

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

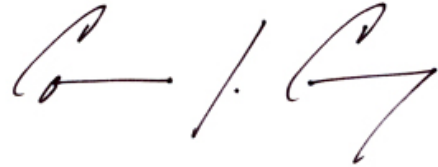
Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition for Writ of Habeas Corpus ("Petition"), all of the records herein, the Motion To Dismiss The Petition filed by Respondent ("Motion"), and the Report and Recommendation of United States Magistrate Judge ("Report"). The extended time for filing objections to the Report has passed, and Petitioner has not filed any objections with the Court. Having completed its review, the Court accepts the findings and recommendations set forth in the Report.

Accordingly, IT IS ORDERED that: (1) the Motion is granted; and (2) Judgment shall be entered dismissing this action without prejudice as to Ground Two, and with prejudice as to Ground One.

1 IT IS FURTHER ORDERED that the Clerk shall serve copies of this
2 Order and the Judgment herein on the parties.

3
4 LET JUDGMENT BE ENTERED ACCORDINGLY.

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6 DATED: January 3, 2013.

A handwritten signature in dark ink, appearing to read 'C. J. Carney', is written above a horizontal line.

CORMAC J. CARNEY
UNITED STATES DISTRICT JUDGE